

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

OMARR L. BURNETT,

Plaintiff,

vs.

DEPUTY FRAYNE, et al.,

Defendants.

Case No: C 09-4693 SBA

**ORDER TO SHOW CAUSE RE  
DISMISSAL**

On April 25, 2013, the Court conducted a telephonic Case Management Conference in this action. Dkt. 107. Plaintiff, who is pro se, did not appear due to Defendants' counsel's inability to contact Plaintiff at the telephone number he had provided. The Court therefore continued the matter to May 2, 2013. In addition, the Court instructed Defendants to again attempt to contact Plaintiff by telephone and to mail him a letter indicating that the Case Management Conference had been moved to May 2, 2013.

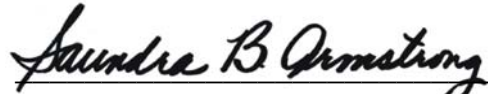
On May 2, 2013, Defendants' counsel called in for the Case Management Conference and indicated that Plaintiff's telephone number had been disconnected. Counsel also confirmed that he had sent Plaintiff a letter notifying him the new date for the Case Management Conference, but that he had not heard back from Plaintiff. Given Plaintiff's failure to comply with the Court's orders to appear for the aforementioned Case Management Conferences, the instant action is subject to dismissal for failure to prosecute under Federal Rule of Civil Procedure 41(b). See Ferdik v. Bonzelet, 963 F.2d 1258, 1260 (9th Cir. 1992). Accordingly,

IT IS HEREBY ORDERED THAT the parties shall show cause why the instant action should not be dismissed under Rule 41(b) for failure to comply with a Court order. Within fourteen (14) days of the date this order is filed, the parties shall file a Certificate of

1 Counsel to explain why the case should or should not be dismissed. The Certificate shall  
2 set forth the nature of the cause, its present status, the reason it has not been brought to trial  
3 or otherwise terminated, any basis for opposing dismissal and its expected course if not  
4 dismissed. FAILURE TO FULLY COMPLY WITH THIS ORDER WILL BE DEEMED  
5 SUFFICIENT GROUNDS TO DISMISS THE ACTION, WITHOUT FURTHER  
6 NOTICE.

7 IT IS SO ORDERED.

8 Dated: May 2, 2013

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA

4 OMARR L. BURNETT,

5 Plaintiff,

6 v.

7 FRAYNE et al,

8 Defendant.  
9 \_\_\_\_\_/

10 Case Number: CV09-04693 SBA

11 **CERTIFICATE OF SERVICE**  
12

13 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
14 Court, Northern District of California.

15 That on May 3, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said  
16 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing  
17 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle  
18 located in the Clerk's office.  
19

20 O'Marr L. Burnett  
21 9949 Lawlor Street  
22 Oakland, CA 94605

23 Dated: May 3, 2013

24 Richard W. Wieking, Clerk

25 By: Lisa Clark, Deputy Clerk  
26  
27  
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